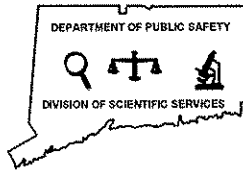




STATE OF CONNECTICUT



DEPARTMENT OF PUBLIC SAFETY OFFICE OF THE COMMISSIONER

John A. Danaher III
Commissioner

Lieutenant Edwin S. Henion
Chief of Staff

March 3, 2009

Rep. Stephen Dargan, Co-Chairman
Sen. Andrea Stillman, Co-Chairman
Public Safety and Security Committee
Legislative Office Building
Hartford, CT 06106

HB 6564 AN ACT CONCERNING A PERMIT FOR THE SALE AND CARRYING OF ELECTRONIC DEFENSE WEAPONS

The Department of Public Safety advises of fiscal impact and other concerns.

This proposed bill would ban the sale or carrying of electronic defense weapons without a local permit, which would be obtained by submitting an application to the chief of police or, where there is no chief of police, the warden of the borough or the first selectman of a town. The bill requires the local authority to notify the Commissioner of Public Safety upon the receipt of an application for a permit and to send a record documenting each such permit granted to the Commissioner of Public Safety for purposes of verifying that such permit applicant or holder is not disqualified from holding the permit.

The disqualification language of the proposed bill mirrors those violations that are statutory prohibitions in regard to pistol permits and makes the same prohibitions applicable to obtaining a local permit for an electronic defense weapon.

There is a problem in assuming that the entire statutory procedure for determining if someone is eligible for a pistol permit can simply be expanded to include electronic defense weapons. Checks in regard to eligibility for a pistol permit are done through the federal NICS system and data bank. Mandated by the Brady Handgun Violence Prevention Act (Brady Act) of 1993, the National Instant Criminal Background Check System (NICS) is a national system that checks available records on persons who may be disqualified from receiving firearms. The NICS is a computerized background check system designed to respond within 30 seconds on most background check inquiries.

The Department of Public Safety and its Special Licensing and Firearms Unit is the point of contact with the FBI to conduct the NICS checks. There are strict FBI guidelines as to acceptable uses of the NICS system. Non-firearm issues are not an acceptable use and DPS would not be able to use the NICS system to carry out its duties under this proposed bill. Without availability of the NICS system, the agency would only be able to conduct a criminal history background fingerprint based check. While the language of this bill seems to anticipate such a fingerprint based check, the committee should be advised that the unit carrying out these responsibilities is understaffed and struggling to keep up with a great number of recent statutory requirements for background checks for non criminal justice purposes. Adding these responsibilities would require additional personnel. Results of any fingerprint based check would then have to be checked against the statutory disqualifiers for every applicant.

This would only determine initial eligibility. The proposed bill has language providing for revocation by the local authority upon conviction of a felony or other disqualifier. Where is the mechanism for notification to the issuing authority of a disqualifying event? In regard to pistol permits, the SLFU gets the information through various means: (Judicial, DMHAS, Probate, and SPRC). A local issuing authority may not ever obtain the information and would be required to ensure compliance even if the individual moved into another jurisdiction.

Returning to the issue of initial eligibility for a moment, it should also be noted that proposed language leaves no room for suitability as there is for pistol permits. This proposal is for a "shall issue" permit, where the local authority will not have any discretion on the issuance of the permit even with compelling evidence of a lack of suitability.

Lastly, the proposed fee for the permit to sell electronic defense weapons is \$125.00. The fee for a pistol permit is \$35 for 5 years. Some consideration should be addressed to any decision to charge a citizen three times the fee to carry a less than lethal option than to carry a firearm.

Sincerely,



John A. Danaher III
COMMISSIONER

Department of Public Safety